



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 28  
2600 North Central Avenue  
Suite 1400  
Phoenix, AZ 85004-3099

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (602)640-2160  
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*Via E-Issuance and First-class Mail*

March 24, 2022

Ms. Alecia Winters  
14435 South 48th Street, Apt. 2199  
Phoenix, AZ 85044-6455

Re: Lincoln Property Company d/b/a Lincoln  
Eastern Management Corporation  
Case 28-CA-147123

Dear Ms. Winters:

We have carefully investigated and considered your charge that Lincoln Property Company d/b/a Lincoln Eastern Management Corporation (the Employer) has violated the National Labor Relations Act (the Act).

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer engaged in unfair labor practices within the meaning of Section 8(a)(1) of the Act by maintaining overly-broad and discriminatory rules. Specifically, you alleged that the Employer's requirement that employees agree to arbitrate employment-related disputes and to waive the right to arbitrate disputes on a class or collective basis interfered with employees' rights to engage in concerted activities for their mutual aid and protection under Section 7 of the Act.

This office issued a complaint concerning that conduct based on then-applicable Board precedent, the Board issued a decision finding a violation, and the Employer petitioned for review before the Fifth Circuit Court of Appeals. The Supreme Court subsequently decided, in *Epic Systems Corp. v. Lewis*, 138 S. Ct. 1612 (2018), that such requirements do not interfere with employees' rights under Section 7 of the Act because the Act does not create a procedural right to pursue claims on a class or collective basis. The matter was then remanded to the Board. This office moved to withdraw the complaint, and the Board granted the motion and remanded the matter to me for further appropriate action.

In light of the Supreme Court's decision in *Epic Systems*, I am refusing to reissue a complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:E-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **April 7, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 6, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 7, 2022**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 7, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the

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event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

*/s/ Cornele A. Overstreet*

Cornele A. Overstreet  
Regional Director

Enclosure

cc: Debora L. Verdier, Attorney at Law  
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CAO/BAH/mhz